

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

COUNTRY JOE STEVENS,

Plaintiff,

v.

ALYSON JUNGEN, *et al.*,

Defendants.

3:11-CV-0558-ECR-VPC

REPORT AND RECOMMENDATION
OF U.S. MAGISTRATE JUDGE

March 9, 2012

This report and recommendation is made to the Honorable Edward C. Reed, Jr., United States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and LR IB 1-4. Before the court is plaintiff's motion to dismiss civil action against defendant C/O A. Jungen (#19). The court has thoroughly reviewed the record and the motion and recommends that plaintiff's motion to dismiss defendant A. Jungen (#19) be granted.

Plaintiff Country Joe Stevens ("plaintiff"), a *pro se* inmate, is currently incarcerated at the Northern Nevada Correctional Center ("NNCC") in the custody of the Nevada Department of Corrections ("NDOC") (#3). Plaintiff brought his first amended complaint pursuant to 42 U.S.C. § 1983, alleging violations under the First, Eighth, and Fourteenth Amendments (#7). Pursuant to 28 U.S.C. § 1915A, the court screened the complaint, and permitted the following claims to proceed: (1) the First Amendment retaliation claim in count I; (2) the Eighth Amendment medical care claim in count II; and (3) the Fourteenth Amendment equal protection claim in count III. *Id.*

On February 27, 2012, the Office of the Attorney General declined to accept service on behalf of defendant Alyson Jungen because she is deceased (#17). In the instant motion, plaintiff states that no longer wishes to pursue his claims against this defendant or her estate and requests that Alyson Jungen be dismissed from this action.

Based on the foregoing and for good cause appearing, the court recommends that plaintiff's motion to dismiss civil action against C/O A. Jungen (#19) be **GRANTED**.

1 The parties are advised:

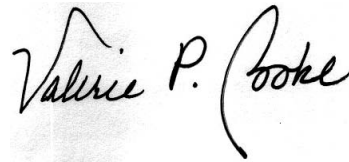
2 1. Pursuant to 28 U.S.C. § 636(b)(1)(c) and Rule IB 3-2 of the Local Rules of Practice,
3 the parties may file specific written objections to this Report and Recommendation within fourteen
4 days of receipt. These objections should be entitled "Objections to Magistrate Judge's Report and
5 Recommendation" and should be accompanied by points and authorities for consideration by the
6 District Court.

7 2. This Report and Recommendation is not an appealable order and any notice of appeal
8 pursuant to Fed. R. App. P. 4(a)(1) should not be filed until entry of the District Court's judgment.

9 **RECOMMENDATION**

10 **IT IS THEREFORE RECOMMENDED** that plaintiff's motion to dismiss civil action
11 against C/O A. Jungen (#19) be **GRANTED**, and defendant Alyson Jungen be **DISMISSED** from
12 this action **with prejudice**.

13 Dated: March 9, 2012.

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UNITED STATES MAGISTRATE JUDGE